

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

SUN LIFE ASSURANCE COMPANY OF
CANADA,

Plaintiff(s),

vs.

DANIELLE TOMCZAK, et. al.,

Defendant(s).

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Case Number: 1:08cv161

District Judge Susan J. Dlott

ORDER

The Court has reviewed the Report and Recommendation of United States Magistrate Judge Timothy S. Black filed on July 24, 2008 (Doc. 16), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired August 13, 2008, hereby ADOPTS said Report and Recommendation.

Accordingly, plaintiff's motion for default judgment (Doc. 11) and defendant/crossclaimant's motion for default judgment (Doc. 9) are **GRANTED** and default judgment is entered in plaintiff's and defendant/crossclaimant's favor and against Defendant Danielle Tomczak as follows:

1. Within thirty days of the filing date of this Order, plaintiff shall file a supplemental memorandum with supporting affidavit outlining its fees and costs incurred in prosecuting this action;
2. Defendant/Crossclaimant is entitled to recover an amount in the sum of \$34,000, minus amounts, if any, owed to plaintiff for costs and reasonable attorney's fees incurred in prosecuting this action;
3. Upon payment of the \$34,000, minus amounts, if any, owed to plaintiff for costs and fees, plaintiff will have discharged all of its liability under the Plan and

Policy that may arise by virtue of the death of Gregory R. Boston;

4. Upon payment of the \$34,000, minus amounts, if any, owed to plaintiff for costs and fees, defendants are hereby enjoined from making any further claims for benefits against plaintiff, the Plan or the Policy and from pursuing any further action against plaintiff, the Plan or the Policy arising out of the death of Gregory R. Boston.

This case is hereby terminated from the docket of this Court.

IT IS SO ORDERED.

s/Susan J. Dlott
Susan J. Dlott
United States District Judge